

VZCZCXYZ0551
RR RUEHWEB

DE RUCNDT #1121/01 3491454
ZNR UUUUU ZZH
R 151454Z DEC 09
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 7806

UNCLAS USUN NEW YORK 001121

DEPT FOR AF/W, AF/S, NEA/IPA, EEB/ESC, L/EB, DRL/AE

SIPDIS, SENSITIVE

E.O. 12958: N/A

TAGS: PREL PGOV UNGA XA XY

SUBJECT: SYRIA CALLS VOTE IN GA DURING CONFLICT DIAMOND RESOLUTION

¶1. (U) SUMMARY: The General Assembly adopted the conflict diamonds resolution on December 11, amidst rancor and confusion after Syria called a surprise vote on language referring to Israel in the text. The PGA failed to clearly articulate what the vote was about or whether it was procedurally correct, resulting in a 45 minute suspension of the meeting after voting had begun during which the PGA sought a legal opinion from the UN. When the PGA re-convened the session, he provided little explanation, declared the voting resumed and then locked the voting machine before numerous delegations including Israel, the U.S. and Canada had an opportunity to vote despite multiple requests for clarification. After the Syrian gambit failed the resolution was adopted by consensus. The Syrian EOV, which the PGA cut short when the Syrian PermRep exceeded the EOV time limit, questioned if Israel could serve as chair of the Kimberly Process (KP) given the actions of an Israeli diamond merchant detailed in the KP report on Cote d'Ivoire. END SUMMARY.

BACKGROUND

¶2. (U) In previous years, the GA plenary consideration of the conflict diamond resolution, which acknowledges the UN's support for the independent Kimberley Process (KP), has been non-controversial. This year's negotiations were heated, however, since there was no consensus on resolution language regarding Zimbabwe, Venezuela, and Israel. With support from Iran and Syria, Venezuela and Zimbabwe would not accept language noting the challenges each had in meeting Kimberley Process standards during 2009. Venezuela announced that it could agree to use language the chair had proposed during the final round of negotiations. It said however, that if delegates could not agree at that meeting, then the language would be dropped altogether. Zimbabwe would not even consider the compromise text proposed by South Africa. Iran and Syria pushed for using the phrase "takes note" when referring to Israel assuming the KP chair, instead of "welcomes." (NOTE: Historically, the new chairs and vice-chairs have been "welcomed;" Israel agreed in 2008 to join consensus on a resolution with the words "takes note" when it assumed the vice-chair position. END NOTE). During the informal meetings, neither Iran nor Syria proposed deleting all references to "Israel" from the text. In a show of frustration and ignoring appeals for additional consultations, Namibia, the chair of the Kimberly Process, ended the last negotiating session by stating the final draft would have no references to Venezuela or Zimbabwe and would retain the language "takes note" of Israel as chair.

SYRIA CALLS A VOTE ON "ISRAEL" LANGUAGE

¶3. (U) Namibia, the EU, Botswana, Canada, and Israel made statements during the abbreviated general debate. As Namibia introduced the draft resolution, rumors circulated that Syria would call a vote to delete the text that referred to Israel. The Jordanian delegate alerted Member States to this fact. Many delegations, including Namibia, tried to persuade Syria against such action. Nevertheless, President of the General Assembly Treki announced that a vote had been requested on the second half of paragraph 23, which read "and takes note that the Process has selected Israel as Chair and the Democratic Republic of the Congo as Vice-Chair of the Process for

2010." Treki's presentation created audible confusion on the floor of the GA. Questioning the procedural legality, several delegations, including Sweden, Israel, Jamaica, Peru, the U.S., and Canada called for the PGA to explain the impact of the proposed vote before the Assembly took action. Despite the repeated points of order, Treki continued to try to conclude the voting, finally stating "let's try to vote" after explaining that a "yes" vote supported keeping the language in the resolution and a "no" vote supported deleting the second half of para 23. In a point of order, the U.S. requested a legal opinion at which point the PGA called a 15-minute break for legal consultations. (Note: Numerous delegations pointed out that Treki's decision for a "suspension" during voting procedure, as at least twenty recorded votes already appeared on the electronic voting boards, violated the GA plenary rules. Others contended that there could be no vote on a paragraph in the text without a speaker's amendment being tabled. End note.)

¶14. (U) When the meeting resumed, the PGA tried again to complete the voting process but was interrupted by the Syrian PermRep, who called a point of order to clarify "a misunderstanding." He said that Syria's request for a vote on the separate text pertained only to the deletion of the words "Israel as Chair", which further confused and stunned delegates. Without further notice, the PGA hastily declared the voting complete and requested that the voting machines be locked, with many delegations not voting. Responding to an additional point of order from Egypt, the PGA said that the GA had voted, as explained, on the original motion on the second part of paragraph 23. The final outcome of Syria's requested vote was 90-6-18, so the text "taking note" of the new chair and vice chair was retained in the final resolution. The U.S., Canada, and Israel did not vote. The countries that voted no were the DPRK, Iran, Lebanon, Libya, Somalia, and Syria. Treki then quickly gavelled through the adoption of the resolution by consensus.

¶15. (U) Sweden on behalf of the EU, Canada, Switzerland, New Zealand, Australia, the U.S. and Israel made EOVs that welcomed Israel as incoming KP chair and expressed regret that the resolution did not mention Zimbabwe's non-compliance with the Kimberley Process minimum requirements. In Syria's EOV, the PermRep said Syria was against appointing Israel as Chair of the KP because such a choice would "promote a misunderstanding of the noble objectives contained in the resolution's title." Citing a report by the KP Group of Experts on Ctte d'Ivoire which had underscored the involvement of an Israeli diamond merchant in the export of rough diamonds from that country, Syria questioned Israel's suitability as chair. Venezuela made a statement after the vote expressing "alarm" at the politicization of the KP. (Note: Israel cited non-compliance by both Venezuela and Zimbabwe in its remarks. End Note). Venezuela said the Process must examine whether there is a conflict of interest between the incoming Chair and the Process.

¶16. (U) In a right of reply, the delegate from Zimbabwe said that the debate is a "charade" by countries deeming themselves guarantors of the Process and that Zimbabwe is a victim. He said that diamonds are smuggled out of Zimbabwe and into markets in Israel, Canada, Antwerp, and the United States. He reminded members that if there were no buyers in their countries, there would be no trade of conflict diamonds.

¶17. (SBU) Comment: While the resolution was finally adopted by consensus, there were lingering animosities over the Syrian politicization of an issue in which it has no national interest, as Syria is not a KP member. The Arab countries which abstained from voting were Algeria, Egypt, Kuwait, and UAE. The Arab countries which did not vote were Bahrain, Iraq, Jordan, Morocco, Oman, Qatar, Saudi Arabia, Tunisia, and Yemen. Lebanon voted no with Syria. The poorly articulated ruling from the Secretariat that it is permissible to request a recorded vote on part of a paragraph could set a precedent for future interpretation of GA rules. END COMMENT